

Application no: 20131018

Location: Tollgate Hotel, Watling Street, Gravesend DA13 9RA

Description: Demolition of former hotel/restaurant and erection of a petrol filling station and forecourts with underground fuel tanks, sales building with ATM, restaurant with drive-through facility, AC/refrigeration units, refuse/recycling, substation, vehicular access, parking provision and associated works and services.

Applicant: B P Oil UK Limited

Decision Level: Regulatory Board 15 January 2014

Recommendation: Subject to remaining consultation responses and the receipt of additional information from the applicants, **PERMISSION** subject to planning conditions to be set out in a supplementary report.

1. Site Description

The application site is situated just beyond the southern edge of the Gravesend urban area and now sits alongside the slip road (coast bound) on to the realigned A2 trunk road. The site previously used to be on the south side of the line of the old A2 and accessed from the London bound slip and the A227 Wrotham Road. It has an area of approx. 1.01 hectares (2.5 acres).

The site, the former Tollgate Motel and Europa Lodge, contains a number of different hotel buildings with existing Class C1 (Hotels) use rights. However it is currently unoccupied having last been used on a temporary basis as site offices during the construction of the phase 2 works for the A2 widening scheme up until 2009, following compulsory purchase by the Highways Agency.

The buildings comprise a group of single and two storey pitched roof buildings of Mock Tudor style in the north west corner of the site which were the restaurant and reception areas for the former hotel, an L shaped block of flat roofed two storey hotel room buildings on the northern and eastern boundaries of the site and two smaller single storey buildings (one being a function room building) centrally located but towards the southern boundary of the site and adjacent to the slip road to the A2 as well as parking areas, gardens and paved areas. The hotel had 59 bedrooms.

A hotel room building on the southern end of the Tollgate hotel site was demolished to enable the new coast bound slip road to the A2 to be constructed, together with the demolition of two dwellings (Shrimp Brand Cottages).

The site lies on the eastern side of a dry valley running down from Istead Rise into the urban area. The western part of the site with the original hotel buildings is relatively flat whilst the eastern part rises up the valley side.

The site is within a Green Belt area and within the A2 Air Quality Management Area. The boundary of the AQMA has been amended in 2012 as a result of the moving of the A2 route further south.

The site adjoins on its north side the new A2 activity park with footpaths (including the Weald Way) and cycle ways and is close to the Cyclopark, a purpose built facility for cycling and other outdoor activities and which is accessed from Wrotham Road/Watling Street, the former coast bound slip to the old A2.

Beyond the activity park to the north of the application site is an existing petrol filling station, the Tollgate Service Station (also a BP franchise and which has a Spar with Subway shop). This is somewhat isolated now at the end of a no through road although it was previously alongside the coast bound (east bound) slip of the old A2 route. It has 12 vehicle pumps and is 'signed' from the A2 in both directions.

There are residential properties also nearby fronting Wrotham Road and Old Watling Street (the latter being at an elevated level above a retaining wall to the line of the old A2). The nearest dwellings are approximately 60 m from the application site.

Immediately to the east of the Tollgate Hotel site is an open arable field which was last used as a temporary storage site during the construction of the new A2.

The application site has a few trees on it and some lighting. A footpath and cycleway cuts across the access to the site, linking the footpath which runs through the activity park to the A227 Wrotham Road.

The nearest bus stop to the site is located on the A22 Wrotham road to the north of the site and which is approx. 300m from the site. The service is bus route 306/308.

2. Planning History

The site has a long history relating to its use as a hotel including significant applications in 1990 and in 2001 for major extensions to the site which were both granted planning permission.

The use as temporary sites offices at the site for the A2 widening scheme (Bean to Cobham) was granted permission in 2006 and used for that purpose up until the opening of the new A2 route in 2009.

There was an additional petrol filling station in existence opposite and west of the application site, the Turnpike Service station, but this was demolished as a result of the A2 widening scheme.

3. Proposal

This current planning application by BP Oil UK Ltd is for the demolition of the former Tollgate hotel/restaurant buildings and for the erection of a petrol filling station and forecourts with underground fuel tanks, sales building with ATM, restaurant with drive-through facility, AC/refrigeration units, refuse/recycling, substation, vehicular access, parking provision and associated works and services. The redevelopment utilises the existing access off the roundabout.

On the western half and nearest to the roundabout it is proposed to construct a new BP Connect petrol filling station with 18 petrol pumps. On the eastern half it is proposed to construct a restaurant for McDonalds with drive through facility.

The petrol station sales building will be single storey of contemporary design and 4m in height with the main forecourt canopy to a height of 6m and a separate HGV forecourt canopy on the southern side of the sales building at a height of 6.5m. The petrol station sales building will be a maximum 38.5m long and 12m wide. The building includes a sales area, customer toilets, office and covered plant and refuse store. An ATM will be located in the front of the sales building.

The proposed McDonalds restaurant building will be a flat roofed two storey building, also contemporary in its design, to a height of 7.2m and a maximum 28.5m long by 13m wide. No floor layout is provided for the restaurant building and additional information has been sought relating to the number of customers it will cater for, where the kitchen or storage areas would be located or whether there would be any external flues.

The external building materials for the petrol filling station shop are composite insulated white cladding and glazed shop front; those for the restaurant building are grey cladding with natural stone finish and wood cladding to feature and end panels.

The flat roof to the restaurant will have concealed plant and photovoltaic panels.

It is proposed that the site will be levelled significantly and stepped to reduce the overall impact of the development. The reduction in ground levels will vary across the site but the maximum reduction will be at the eastern end of the site where the level of the site would be reduced by up to 4.2m.

The hours of opening for both the restaurant and petrol filling station are stated as being on a 24 hour basis.

Parking provision is indicated as being a total of 84 spaces, 60 being for the McDonalds restaurant. No HGV parking has been indicated on the submitted plans and clarification is being sought on this.

There is no indication in the application form of numbers of staff to be employed at the premises either in the petrol station or the restaurant although the submitted transport assessment indicates that the McDonalds restaurant would employ 65 staff with up to 15 staff on one shift. Further information has been requested on the extent of employment proposed.

Servicing to the restaurant will be undertaken from the McDonalds customer car park and will receive three deliveries per week. The petrol filling station would receive one petrol/diesel delivery and one goods delivery per week.

The application is accompanied by,

- Planning, Design and Access Statement (Brian Barber Associates)
- Transport Assessment (Waterman Transport and Development)
- Geo-Environmental Investigation Report (Subadra Consulting Ltd)
- Flood Risk Assessment (Clear Environmental Consultants Ltd)
- Air Quality Assessment (Waterman Energy, Environment and Design Ltd)
- Archaeological Assessment (Archaeology South East)
- Ecological Survey (Corylus Ecology)
- Landscape and Visual Overview (David Huskisson Associates)

The applicant's Planning Design and Access Statement suggest that the proposals take into account the location of the site and its existing appearance and scale of existing buildings.

They indicate that whilst the development may be considered as an inappropriate use in the Green Belt there are important and special circumstances which support the proposals, namely

- The development is the use of a previously developed site and will not have a greater impact on the openness of the Green Belt
- The scale of development will be significantly lower than the former hotel buildings, the majority of which are two storeys
- The development will meet an important need along the A2 and the local area

Other matters highlighted by the applicants include that the development will,

- Improve the appearance of the area by providing a modern facility and remove unattractive buildings
- Not encroach into the Green Belt
- Provide important facilities for road users and meet the needs of motorists
- Create employment and construction jobs
- Provide an opportunity for enhancement of the site through better landscaping

4. Development Plan Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. Where there are other material considerations, the development plan should be the starting point, and other material considerations should be taken into account in reaching a decision. One such consideration will be whether the plan policies are relevant and up to date.

The 2004 Act provides that if there is a conflict between policies, the most recent policy will take precedence. Local planning authorities need to decide what weight should be attached to a particular material consideration, e.g. the weight to be attached to policies in emerging Development Plan Documents depends upon the stage of preparation or review.

The Regional Strategy for the South East (the South East Plan) has now been mostly revoked following an Order the Secretary of State laid before Parliament which came into force on 25 March 2013.

The Development Plan therefore comprises:-

- *Saved Policies of the Local Plan First Review (1994)*
- *Saved Policies from the Kent Minerals and Waste Local Plans.*

There are a number of other un-adopted planning documents (e.g. The Gravesham Local Plan Second Review Draft Deposit Version 2000) which are of some relevance and are a material consideration, together with national planning advice and guidance in the National Planning Policy Framework (NPPF), supplementary planning guidance and the emerging policies in the Local Development Framework (Local Plan).

Local Planning Guidance

Gravesham Local Plan First Review 1994

The Gravesham Local Plan still remains as the adopted local planning document and the written statement and proposals map will continue to have effect as the development plan pending the preparation of the Local Development Framework (LDF). A substantial number of policies of the Gravesham Local Plan First Review have been saved by a Direction dated 25 September 2007.

By forming part of the development plan, saved policies contained in the Gravesham Local Plan First Review should be accorded significant weight, albeit that the weight accorded should be greater where policies are consistent with the National Planning Policy Framework (NPPF, paragraph 215).

In the Gravesham Local Plan First Review Proposals Map the site is within a Green Belt area.

The relevant Gravesham Local Plan First Review 1994 policies are:

Policy GB1: Green Belt Definition

Policy GB2: Development within the Green Belt

Policy C1: Areas of Special Significance for Agriculture

Policy T13: M2 Widening and A2 Improvements

Other relevant general policies include TC0 (General Townscape, Conservation and Design), TC1 (Design of New Developments), T1 (Impact of Development on the Highway Network), T5 (New Accesses onto Highway Network) and Policy P3: Vehicle Parking Standards. There are also general shopping policies S0, S1 and S7 which are saved policies and relate to general shopping policy, location of new shopping development and restaurant uses. Also relevant is Policy T12 (Facilities related to the A2 Trunk Road), which states:

In the Green Belt the Borough Council will resist the creation of new facilities related to the A2 and will generally resist the expansion of existing facilities. In the urban area the Borough Council will judge such proposals on their merits but will expect any such scheme to be

(i) Well related to an existing A2 junction, to avoid the need for A2 traffic to use local roads

(ii) To minimise any impact on existing adjacent development, particularly where that is residential.

Note: This policy will be deleted when the Council's Gravesham Local Plan Core Strategy is finally adopted

Gravesham Local Plan Second Review Draft Deposit Version 2000

The draft Gravesham Local Plan Second Review Deposit Version 2000 has been adopted by the Borough Council for development control purposes but in view of the provisions of the Planning and Compulsory Purchase Act 2004, and the decision by the Borough Council to replace the Local Plan with the Local Development Framework it is not being progressed any further.

The policies in the plan are therefore of only very limited weight but the weight which can be attached to its policies is greater where the policies are consistent with the National Planning Policy Framework and with policies of the adopted Local Plan First Review.

There are similar Green Belt, townscape, shopping, safeguarding and transport policies in the Gravesham Local Plan Second Review Deposit Version 2000

Gravesham Local Development Framework (Local Plan)

The Council has been in the process of preparing a Local Development Framework (LDF) for the Borough since 2005.

A draft Core Strategy and Development Management Policies Development Plan Document (Regulation 25 document – Issues and Options) was considered by the Council's Cabinet in December 2009 who approved the document for the purposes of public consultation. A six week consultation period was undertaken between 28 January and 11 March 2010 to enable residents, local businesses and stakeholders to have their say in the future planning for the Borough.

Additional interim regulation 25 consultation was agreed to be carried out during October-December 2011 following a report to the Council's Cabinet on 12 September 2011 as a result of changes to the planning system including the then assumed revocation of the South East Plan.

A submission version of the Gravesham Local Plan Core Strategy was considered by the Council's Cabinet on 12 November 2012. The Cabinet resolved to publish the proposed submission version of the Core Strategy on 18 December 2012 and representations invited until 12 February 2013.

As set out in paragraph 216 of the National Planning Policy Framework (NPPF), the weight that can be afforded to relevant policies in emerging plans varies according to the stage in the preparation of the emerging plan, the extent to

which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

The Council submitted the Submission Gravesham Local Plan Core Strategy on 22 May 2013, the Pre-hearing Meeting was on 24 July and the hearing sessions took place from 10-18 September.

Following the hearing sessions in September the appointed Inspector had advised the Council that there were concerns about the Plan's soundness in relation to proposed total new housing provision and the annual delivery rate of housing over the plan period. Main modifications to the plan have been published by the Borough Council and further public consultation has been carried out between 4 December and 15 January 2014. The modifications in so far as they relate to the application site and development are minor textual changes to the Plan in relation to the Green Belt and the inclusion of Land at Coldharbour Road key site which is within the vicinity of the application site.

The most relevant policies from the Core Strategy - Submission Version in relation to this particular development are as follows:

Core Strategy Policy CS01: Sustainable Development
Core Strategy Policy CS02: Scale and Distribution of Development
Core Strategy Policy CS07: Economy, Employment and Skills
Core Strategy Policy CS08: Retail, Leisure and the Hierarchy of Centres
Core Strategy Policy CS09: Culture and Tourism
Core Strategy Policy CS11: Transport
Core Strategy Policy CS12: Green Infrastructure
Core Strategy Policy CS18: Climate Change
Core Strategy Policy CS19: Development and Design Principles
Core Strategy Policy CS20: Heritage and the Historic Environment

A Site Allocations and Development Management Policies Development Plan Document will be prepared following the adoption of the Core Strategy.

As the site is in the Green Belt the normal criteria apply to any development and there is no current intention to change that, although the detailed policy approach to this site would be for the Site Allocations and Development Management Policies document.

National Planning Policy Guidance

The National Planning Policy Framework (NPPF), March 2012, has replaced all the national planning policy guidance (PPGs) and statements (PPSs) and is a material consideration.

The NPPF includes a set of 12 core land-use planning principles underpinning plan making and decision taking.

The core principles of relevance to this type of development include supporting sustainable economic development to meet the housing, business and other development needs of an area, securing high quality design and a good standard of amenity for existing and future occupants of land and buildings, taking account of the different roles and character of different areas, promoting the vitality of the main urban areas, protecting Green Belts around them, recognising the intrinsic

character and beauty of the countryside and supporting thriving rural communities within it; encouraging the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value; and actively managing patterns of growth to make the fullest use of public transport, walking and cycling.

At the heart of the NPPF is a presumption in favour of sustainable development which means approving development proposals that accord with the development plan and where the development plan is absent, silent or relevant policies are out of date planning permission should be granted unless any adverse impacts would so significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate development should be restricted.

As the site is within the Green Belt the following paragraphs in the NPPF are relevant:

Paragraph 87 of the NPPF indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances while paragraph 88 indicates that local planning authorities when considering planning applications should give substantial weight to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 89 advises that the construction of new buildings is inappropriate in the Green Belt but lists the exceptions to this which include, amongst other things, the replacement of a building providing the new building is in the same use and not materially larger than the one it replaces and also the redevelopment of previously developed sites (brownfield) whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Paragraph 90 advises that certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These include, amongst other things,

- local transport infrastructure which can demonstrate a requirement for a Green Belt location; and
- the re-use of buildings provided that the buildings are of permanent and substantial construction

Supplementary Planning Guidance and other Documents

The following supplementary planning guidance documents are relevant to the determination of this application.

- Kent Design Guide (SPG 5 published December 2005, adopted July 2006)
- Adopted Kent Vehicle Parking Standards (SPG 4 published in 2003 and adopted in 2006)

- DfT Circular 02/13: The Strategic Road Network and the Delivery of Sustainable Development, September 2013

5. Reason for Report

Major development proposal and volume of local objection

6. Consultations and Publicity

Consultations

Regulatory Services (Environmental Health), GBC

There is **no objection** to the proposed application, subject to the following comments:

Air Quality

This site is within a declared air quality management area (AQMA) for Nitrogen dioxide due to traffic from the A2 trunk road. This site was however previously a hotel/restaurant and it is considered this new development will not be significantly different in air quality terms to that use.

The conclusion of Waterman's Air Quality Assessment dated October 2013 is accepted for both the construction and operation phases.

The report is based on the transport data input into the model and is therefore only as accurate as that data. Therefore if the transport data were to be found inaccurate or updating was necessary this would have relevance to the prediction of the impact of the site on the air quality in the locality.

Whilst no exceedences of the national objectives are predicted in relation to the operation of the proposed use during construction however there is likely to be an impact on the locality by nuisance dust and potentially peaks in particulate matter (PM10) levels. It is therefore necessary that all reasonable mitigation measures are implemented (as a **condition**) in order to minimise if not ameliorate any of these impacts.

Section 6 of the Air Quality Impact Assessment provides a list of mitigation measures to be used during the construction phase. It is strongly recommended that reference is also made to the mitigation measures in the London Councils' "The control of dust and emissions from construction and demolition" Best Practice Guidance and Gravesham's own Code of Construction Practice.

Soil Decontamination.

Based on the review of:

Geo-Environmental Investigation Report; Subadra; September 2012; Ref. 12954 CL 002

The report adequately assesses all potential risks posed by contamination caused by previous site uses and as a result of the proposed petrol filling station.

It also includes the results of a limited intrusive investigation which only covers the area of the proposed petrol filling station. At the time of writing the report the drive-through restaurant had not been proposed. However, due to the minimal hydrocarbon contamination found on site, and the proposed commercial end use, it is unlikely that the intrusive investigation would need to be extended to cover the area of the proposed restaurant.

The following condition is nevertheless recommended:

Condition:

The applicant shall undertake a watching brief during construction in case any contamination is encountered during the groundwork phase. Workers on site during construction should be advised by the applicant that there is a possibility of finding contaminated material. If during development any contamination is found, the local planning authority should be informed as soon as practical and the work shall not continue until written agreement is provided by the LPA as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out.

Any material brought onto the site must be suitable for use and the results of chemical analysis of this material to demonstrate that it is free from contamination and suitable for the proposed end use shall be submitted to the local planning authority for approval.

In addition, material for off-site disposal should be dealt with appropriately as determined by a waste classification assessment. Appropriate documentation relating to the removal of material from site should also be forwarded to the local planning authority.

Ventilation Extraction System Requirements

Condition:

Details of ventilation extraction system, particularly regarding odour elimination abilities, residence time of the air within the filters and likely noise emissions, to be submitted for approval in writing to the District Planning Authority prior to commencement of works.

Control of noise emitted from premises

Condition:

The rating level of the noise emitted from the plant and equipment associated with this development shall not exceed the existing background noise level by more than 3dB. The noise levels shall be determined at the points nearest to adjacent residential premises. The measurements and assessments shall be made according to BS4142:1997.

Lighting

Condition:

Prior to the installation of the lighting for this development, the applicant shall provide to the Local Planning Authority a suitable lighting scheme and report

demonstrating the this shall not have an impact on residential properties greater than that found for Environmental zone E3 in table 1 of The Institution of Lighting Engineers (ILE) Guidance Notes for the Reduction of Obtrusive Light. The scheme shall thereafter be built and maintained as approved by the LPA.

Lighting informative – Advisory notes

Condition:

The scheme shall include suitable predictions of light intrusion on the vertical plane demonstrating

- a) The source intensity at light sensitive properties' windows (the maximum source intensity to be seen by looking at any of the development's lights)
- b) The vertical illuminance at light sensitive properties' windows (how much light falls onto a window).

Commercial Refuse Arrangements

Informative

Storage facilities provided shall be of sufficient capacity having regard to the quantity of waste produced and the frequency of waste collection. All waste shall be removed from site on a regular basis by a licensed waste carrier and disposed of at a licensed waste disposal site.

Commercial Refuse Arrangements - Advisory Notes

Informative

Compliance with the Environmental Protection Act 1990 "Duty of Care" is essential.
Advice on Solid Waste Management can be obtained from Waste Services on [01474] 337533.

Environmental Permitting

Informative

Storage of petrol requires an environmental permit to operate legally. The applicant is advised to contact Regulatory Services on 01474 (337334) to discuss this further.

Works of Construction.

Condition

The commencement of the development shall not take place until a comprehensive Code of Construction Practice covering all environmental impacts including pest control from the clearance/construction phase of this development is provided by the applicant and submitted for approval to the LPA. No works shall commence until approval of this report has been given by the LPA.

Highways Agency

We have been working with the applicant's agents for some time to try and establish the highway needs for this application. We have reached a point where we are in general agreement on what may be required. Any further modelling would not likely make a substantial difference.

An outline of the required works has been included with the transport assessment for the application. As the works involved are likely minor we are content that the application can be considered and progress made whilst the detail of the highway works is finalised.

Therefore we attach our TR110 recommending that a condition is attached to ensure the works are complete before the site is occupied to ensure that they are delivered. We have suggested a wording for the condition which allows for a different option to be delivered should that be agreed by all parties.

The formal decision is:

The Secretary of State for Transport advises that planning permission should either be refused, or granted only subject to conditions.

Condition(s) to be attached to any grant of planning permission:

Condition:

The development hereby permitted shall not be occupied until the road improvement schemes outlined in preliminary drawing CIV 13604 – 07 are in place or an alternative has been agreed in writing by the Local Planning Authority in consultation with Kent Highways and the Highways Agency.

Reason:

In order to ensure that the local highways and strategic road network continue to function in a safe and efficient manner in accordance with the Highways Act 1980.

Kent Highways

In principle, there is no objection to the application, but would echo the views of the Highways Agency. The proposed modification of the access junction looks appropriate for the level of traffic likely to be generated, but flexibility should be retained to allow a comparable sum to be contributed to a longer term improvement scheme should the Tollgate site not be developed at an early date. This would allow us to deal with a situation whereby the Tollgate site could contribute to the long term scheme likely to be associated with other development in the area, should the timing be appropriate.

In respect of the internal layout the north-south cycle route alongside the A227 crosses the site, but it is currently shown being reduced to a narrower width and crossing an unconventional angled crossing point before regaining its original alignment to the north of the site. The route should remain at its current width of 3.0m within the site, achieved by widening the short section of path as shown from 2.0m up to 3.0m, and continue to a point where the crossing point of the

inbound traffic is perpendicular. In addition, the Transport Assessment refers to cycle parking being provided within the site in discussion with the local authority. This would need to be accessible from the cycle route passing through the western end of the site, so an internal route would have to be defined in due course linking to the McDonalds building. A similar requirement would be a clear connection to the McDonald restaurant for pedestrians (which could be used by both staff and visitors arriving on foot either directly or via bus services on the A227).

These cycle and pedestrian issues could be dealt with by **conditions**.

Kent Police Crime Prevention Design Advisor

Some of the existing Gravesend and Dartford filling stations located close to the A2 are amongst some of County's highest locations for theft of fuel (making off without payment) from forecourts. Given the proposed location of the former Tollgate Hotel site and its proximity to the main A2, we feel it is essential that should this planning application proceed, the developer meet with us to discuss security at the site and that this should be included as a planning condition.

Although the following security items may form part of the final planning detail, we need the developer to contact us in order to seek reassurance that the developer has considered:

CCTV – adequate CCTV including Automated Number Plate Recognition (ANPR) on the Entrance and exit roads.

CCTV – to cover all fuel pumps (including the HGV pumps). Fuel pumps 1, 2, 9 & 10 are very close to the exit road and may suffer more from fuel theft given that they will not be easily observed from the shop. A dedicated CCTV camera, ideally with ANPR should be installed to cover the exit road from the fuel pumps.

CCTV coverage should also cover, the BP shop and McDonalds restaurant (internal and external).

ATM – we note that there appears to be a row of bollards in front of the main BP Connect shop, however, these appear to cease where the ground level changes and a bank of rock filled gabions appears to run in front of the ATM. Although the ground level change may reduce the risk of ram raid attack, we would recommend that at least two more anti ram raid bollards (to PAS 68/69 standard) are installed to either side of the proposed ATM. It is essential the ATM (and any additional ATMs) is installed in accordance with the ATM Security Working Group (ATMSWG) guidelines. A dedicated CCTV camera should also cover the ATM.

Shop Layout – the final layout of the shop needs to be discussed with us to ensure that the opportunities for crime and shoplifting are reduced. The refuse area should be lockable and covered by CCTV.

McDonalds Restaurant – the McDonalds car park area will require adequate CCTV and lighting. The refuse area should be lockable, particularly any area where used cooking oil is awaiting collection, as there has been a spate of used cooking oil thefts reported to Kent Police in the area.

Lighting – the final lighting plan needs to ensure that the site is well lit, including the fuel pumps, under canopy areas and car parks and is designed in conjunction with any CCTV camera usage.

Landscaping – trees and shrubs should be well pruned so that general and CCTV surveillance is not compromised.

All buildings should be alarmed – particularly those not operating 24 hours.

Kent Fire and Rescue Service

The means of access is considered satisfactory

KCC Archaeology

The site lies within an area which has revealed extensive prehistoric and Roman activity, including burial sites, such as a Neolithic mortuary enclosure or long barrow about c.300m to the south east. Roman rubbish pits have been found on the site itself and trackways linking Bronze Age and later activity and settlement sites are known in the vicinity and may head through the site. Although parts of the site are likely to have been disturbed, there is potential for archaeology to survive.

The application is supported by a comprehensive Deskbased Assessment by Archaeology South East. It is recommended that the report is used to guide mitigation measures.

The following **conditions** should be placed on any forthcoming consent:

AR7 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that historic building features are properly examined and recorded.

AR1 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

AR2 No development shall take place until details of foundations designs and any other proposals involving below ground excavation have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that due regard is had to the preservation *in situ* of important archaeological remains.

Background

1. The application is to redevelop the Tollgate Motel site as a petrol station and drive through restaurant. The current land use (non-operational) is as a hotel. The site was impacted by the A2 widening scheme which moved the A2 south and entailed the construction of the new junction at this point. As part of this project the site was acquired by the Highways Agency and the buildings were used as site offices. Originally the Tollgate Hotel was serviced from the slip roads off the London bound carriageway and is now located off the middle roundabout with the slip roads to/from the coast bound carriageway.

Policy

2. The redevelopment of the site needs to be assessed in the context of the current development plan, being the saved policies of the Borough of Gravesham Local Plan First Review 1994 and the National Planning Policy Framework (NPPF) March 2012.

3. In addition the emerging policies of the Local Plan Core Strategy (LPCS) need to be taken in to account. The LPCS has been to Public Examination and a consultation is currently being carried out on proposed modifications, both major and minor. The major modifications primarily relate to housing numbers and a specific site, discussed further below, so considerable weight can be attached to the LPCS.

4. Paragraph 87 of the NPPF indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 indicates that local planning authorities when considering planning applications should give substantial weight to any harm to the Green Belt and that very special circumstance's will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

5. Paragraph 89 advises that the construction of new buildings is inappropriate in the Green Belt but lists the exceptions to this which include, amongst other things, the replacement of buildings. This is provided the new buildings are in the same use and not materially larger than the ones they replace and also the redevelopment of previously developed sites (brownfield), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

6. It could also be argued that the filling station component forms part of the local transport infrastructure (paragraph 90), which gives a weight to it in relation to Green Belt policy. Consideration of the detail of the application in relation to Green Belt policies is not further commented upon but essentially revolves around the test of maintenance of the openness of the Green Belt given the circumstances of the site. There is already a significant amount of development on the site, though the proposal is of a different built form and higher activity level compared with an active hotel use.

7. Policy CS02 (Development distribution and Green Belt), CS08 (Retail, Leisure and the hierarchy of Centres) and CS11 (Transport) are the most relevant to this

application. Policy CS11 includes the statement “The Council will support proposals which improve transport provision and facilities in the Borough”.

8. Policy T12 (saved from 1st Review) relates to ‘Facilities on the A2 Trunk Road’ provides that new or expanded facilities in the Green Belt will be resisted. There are however two criteria for development of services in the urban area: that they should be well related to an existing A2 junction, and minimise any impact on adjacent development, particularly residential. (Note this policy was written on the context of the old alignment of the A2 where the south side of the London bound carriageway was the Green Belt boundary – this boundary has not, nor is currently proposed for change).

9. The primary issues, aside from the Green Belt issues referred to above, are therefore the land use and the capacity of the junction.

Land Use

10. The application represents a change of use, but is within the broad category of services along the A2. The preference would be for maintenance of the hotel function, especially in the context of the proposed Paramount Leisure Resort, or possibly a B1 office use given the A2 accessibility. However in the absence of the Development Management and Site Allocations document, there is no specific policy or allocation for this site.

11. There are two distinct components that can be treated separately: the petrol station and the drive-through restaurant. Historically there has been the loss of petrol stations along the A2 at Tollgate, Ebbsfleet junction, Singlewell and Cobham North Services, as well as more generally in the Borough. Cobham South services, also located in the Green Belt, has been recently redeveloped. Current provision apart from Cobham South Services and related to the A2 consists of Sainsbury’s at Pepper Hill, Morrison’s at Coldharbour Road, and BP at Tollgate on the old slip road onto the former A2 alignment. All of these require using a junction and local roads to reach the facility. Only the existing BP Tollgate is signed as ‘services’ from the A2 (though there is a ‘superstore’ sign on the Coldharbour Road roundabout towards Morrison’s).

12. The application site will be encountered before the existing BP station for A2 users; however signage could continue to indicate the location of alternative facilities. Competition issues are not relevant to the determination of the application (the NPPF makes competition a recurring theme - see paragraph 46). The A2 at this point has an Average Annual Daily Flow of 119,000 vehicles per day so there is a large potential market. There are currently no services on the A2 between the site and the M25, and the next facility coast bound is Medway services (21 miles).

13. The Planning Design and Access Statement sets out a justification for a drive-through restaurant not being located in the town centre in line with the sequential test due to its specific format. It is stated that there is no intention to close the existing McDonald’s facility in New Road. It is further stated that there are no other suitable sites.

14. There are numerous take away facilities in the Borough which service road users without a drive through function, and there is no reason why a new McDonald’s could not function in this way – though not in the Gravesend Town Centre pedestrianized area where vehicle access would be restricted for much of

the day. This site is not identified as a local centre, so is an out of town location. In that sense the site is not an appropriate location for a restaurant use.

15. A key factor in this case is the location enabling the proposed restaurant to perform a service function for the A2, in combination with the petrol filling station. Whilst the two uses taken together does not constitute a service area in the sense that such areas are normally understood, Department for Transport Circular 02/2013 Annex B defines services as 'existing signed roadside facilities' (paragraph B3). As the existing BP Tollgate is signed as services, this site will be by virtue of its location will be signed as well and meet the necessary tests set out in the circular. Close proximity to the A2 is essential to perform this function, which this site has. This factor provides justification for a facility in this location subject to the other relevant tests.

16. The service building is given as having a retail floorspace of 120 sq.m net, which from its size indicates that it will mainly function as ancillary retail floorspace.

Transport

17. The issue of the Tollgate junction is also in the context of other permissions and proposals in the immediate area:

- application to use part of the Cyclopark car park as a commuter coach park and ride (GR/2013/1036);
- the Inspector's proposed allocation of land south of Coldharbour Road in the Local Plan Core Strategy (LPCS) for 550 homes. This proposal is currently subject to consultation as a major modification to the deposited Core Strategy following the Public Examination;
- Unimplemented outline consent for 60 bed hotel behind Toby Carvery (GR/2011/039) on Coldharbour Road;
- Expired permission on Coldharbour Road, but allocated in the Local Plan Core Strategy for employment, for 5,051 sq.m workshop, offices and studio units.

18. A large part of the major modification housing site is subject to pre-application discussions with a developer, so there is clear intent to progress this site for residential development.

19. Transport modelling work earlier in 2013 for the LPCS has shown that the A2 Tollgate junction is close to causing a safety issue due to off-slip queues at peak times extending back to the main A2 carriageway. Whether this proposal is significant in this regard is a matter for KCC Highways and the Highways Agency to determine.

20. Table 6 of the Transport Assessment gives the trips generated by the site allowing for existing use rights and 'existing traffic associated with the existing Tollgate Services'. This is assumed to close (para. 5.22). The site is not in the ownership of the applicant. Thus whilst it is possible the facility might close and that would obviously reduce traffic flows, its continued existence is a reasonable worst case, albeit that there would logically be an impact on it. Any replacement use if the existing Tollgate Services did close would be likely to have a lower traffic generation. There is also reference to pass-by trips, but those on the A2 are regarded as new as they do not currently impact on the slip roads or roundabouts.

21. Any additional traffic flow will therefore be loaded onto a junction that is under stress, though as the applicants correctly point out they have the benefit of the flows that the existing hotel use would generate. Significant development is proposed in the vicinity as noted above. The applicants are proposing a lane widening on the southbound A227 exit at the middle roundabout, as this is the link under greatest stress, and also the introduction of lane markings on the roundabout. These would be welcome enhancements but need to be set in the context of what may need to happen to the overall junction in the longer term. Depending on timescales it may be that the proposals are compatible with a wider scheme that may be developed, alternatively it may be possible to use the cost involved towards a different scheme. The slip road issue is a matter for the HA to comment upon.

22. The application also results in the diversion of the cycle and footway to facilitate access to the site as there are two roads to cross rather than one currently. This appears to result of a reduction from 3m width to 2m over some 20m – the link should be to the same width throughout.

Planning Policy team comments summary

23. In summary:

- The site is previously developed land in the Green Belt and the appropriate tests should be applied to ensure openness is maintained
- The proposed petrol station use is well located to serve the A2 Trunk Road
- The proposed A3 use is not in an existing retail centre but is well related to the A2 Trunk Road to perform a complementary service function
- Highway improvements are proposed but need to be commented upon by Kent Highways and Highways Agency
- Flexibility to translate the cost of the highway improvements into a contribution to a larger scheme, if timing allows, would be desirable
- Signing to service facilities north of the old A2 needs to be maintained
- Width of the cycleway at one point needs examining

KCC Planning

Views awaited.

KCC Footpaths Officer

The development does not affect any public rights of way or the promoted route the Weald Way

Environment Agency

Views awaited

Southern Water

Has advised of the Southern Water records showing the approximate position of water distribution mains and foul sewer crossing the site. The exact position of the water distribution mains and foul sewer must be determined on site by the applicant before the layout of the proposed development is finalised. It might be possible to divert the public water distribution mains and foul sewer, so long as

this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

Advises that should the applicant wish to divert apparatus:

1. The 250mm diameter water distribution main requires a clearance of 3 metres either side of the water main to protect it from construction works and allow for future access for maintenance.
2. The 150 mm diameter foul sewer requires a clearance of 3 metres either side of the sewer to protect it from construction works and allow for future access for maintenance.
3. No development or new tree planting should be located within 3 metres either side of the centreline of the water mains.
4. No development or new tree planting should be located within 3 metres either side of the centreline of the foul sewers.
5. No new soakaways should be located within 5 metres of a public sewer.
6. All other existing infrastructure should be protected during the course of construction works.

Alternatively, the applicant may wish to amend the site layout, or combine a diversion with amendment of the site layout. If the applicant would prefer to advance these options, items (1) - (4) above also apply

In order to divert/protect apparatus, Southern Water requests that if consent is granted, the following **condition** is attached to the planning permission.

"The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public water main and sewers, prior to the commencement of the development."

There are decommissioned water mains within the site.

Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

Requests that should this application receive planning approval the following **informative** is attached to the consent:

"A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

There are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer. The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises. Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors. We request that should this application receive planning approval, the following condition is attached to the consent:

"Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. "Following initial investigations, Southern Water can provide a water supply to the site. Southern Water requires a formal application for connection and on-site mains to be made by the applicant or developer.

We request that should this application receive planning approval, the following **informative** is attached to the consent:

"A formal application for connection to the water supply is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel: 01962 858688), or www.southernwater.co.uk"

Natural England

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites – no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us at with details at consultations@naturalengland.org.uk.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we

would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that

'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'.

Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.*

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

Economic Development Officer, GBC

As part of the Thames Gateway Growth Area, Gravesend is part of one of the largest regeneration areas in Europe, with significant potential for growth over the long term.

The former Tollgate Hotel site presents a rare opportunity to deliver a high quality scheme as a Gateway development to the Town and wider Borough with its prominent position off the Gravesend central junction of the A2, whilst supporting a wide range of employment opportunities.

Transport Links:

The site is adjacent to the A2/M2 with easy access to the M25, M20, M26, London the Channel ports and tunnel and the wider UK road network.

The site is also in close proximity to High Speed One domestic services from Gravesend town centre at 22 minutes to Central London and from Ebbsfleet International Station at 17 minutes. Eurostar also run high speed continental train services from Ebbsfleet International Passenger Station.

Hotel:

The Gravesend Hotel fact sheet published in May 2011 by Tourism South East, Visit Kent, Locate in Kent & GBC main findings were:

The area currently lacks a high quality hotel which would complement the area's existing 3 star and branded budget hotel provision.

A hotel would fit well with the council's and its partners policies to regenerate and improve the 'offer' the area presents to visitors, residents and businesses.

Paramount:

The 2011 May Hotel Fact Sheet did not take into account the proposed £2 billion Paramount Theme Park development at Swanscombe Peninsular. If successful the site aims to open in 2018 and the developers expect that they would require 5,000 hotel bedrooms on site with 25 - 30,000 hotel beds within a 25 - 30 mile radius. The Tollgate site would be in a real position to benefit from this business opportunity and increased employment the site could generate.

B1 – Office:

Locate in Kent the counties Inward Investment Agency report a large number of unfulfilled B1 enquiries including start up space for the Borough that are not taken forward due to the areas current poor available commercial property stock.

Therefore the Tollgate site could make a good location for B1 Office space and start up space.

Conclusion:

Economic Development does not support this application proposal for the following reasons:

- The proposal does not take into account the sites Gateway Role to the Town and wider Borough as a prominent site off the A2 Gravesend Central junction, concentrating mainly on the passing motorist.
- The application does not state how many FTE and PTE positions or the range of skilled and lower skilled jobs the development would support.
- The proposal does not provide the levels of local economic growth that other uses could.
- The site is well located to both the UK road network and public transport links such as HS1 and Eurostar, making the site attractive to both business and leisure uses.
- The proposal does not take into account the areas growth area status as part of the Thames Gateway or the potential of the proposed Paramount development.
- Economic Development supports and seeks a higher quality, well designed employment led development for the site than that is proposed in this application.

UK Power Networks

No objections

Publicity

The proposal was advertised on site and in the newspaper as a major development proposal.

Individual Objections

There have been **33 individual objections** received from the 38 properties in the vicinity of the site that were individually notified of the application, although some of the objectors are not necessarily local to the site or were actually notified of the development.

The objections can be summarised as:

- the area is well served by service stations and offer convenience top up
- the site is close to Morrison's which already has a petrol filling station
- there is an empty petrol station site on the A2 near Thong Lane
- the previous other petrol station opposite the site did not have commercial continuity
- sufficient fast food outlets locally
- no demand locally for a McDonalds or such a corporate alternative
- development should be in the town centre
- increase in traffic congestion and road safety hazards
- already the slip roads are congested in peak times
- customers/employees will not travel to the site by public transport
- sight lines for approaching vehicles is poor
- there is insufficient HGV parking within the site
- the increased traffic on the roundabouts will be hazardous for cyclists using the Cyclopark
- development does not constitute special circumstances for development on Green Belt land
- proposal does not represent urban regeneration
- local amenity has been enhanced by the public money spent on the Cyclopark
- the site should be used for hotels which would generate more employment for local people
- there will be a need for hotels if the Paramount development proceeds
- impact on existing businesses; the existing Tollgate BP station will be forced to close
- visual impact
- height of the development at two storeys is inappropriate
- the existing buildings should be retained and they are one of the few surviving authentic roadhouses and a link to the history of the Tollgate site; the buildings should be listed.
- lighting will impact in the locality
- overlooking
- additional noise
- increased air pollution
- contrary to healthy eating
- increase in litter
- fear of crime, anti-social behaviour etc.

Circular Letter

In addition 363 copies of a **circular letter** have been received objecting to the development.

The circular letter states:

- *We do not want another petrol station in our local area; we have sufficient*
- *We don't want a McDonalds*
- *We have a fantastic facility with the Cyclo Park promoting healthy living. What message are you sending the younger generation of Gravesend?*
- *I do not want this development to go ahead; I strongly object*

A high number of the responses have been received from objectors not just living in the local area but also much wider afield and some have been signed only with no addresses given.

Some of the objectors have added additional comments to their circular letter including:

- there must be better uses
- increased traffic in Chalky Bank, which is already used as a cut through
- too many petrol stations in the area
- will result in anti-social behaviour, litter and pollution
- need for more Green Belt here
- additional traffic and danger to cyclists
- the previous petrol station here served London bound traffic
- too much building has taken place in the area already
- loss of heritage through demolition of buildings
- job losses at existing establishments
- impact on the landscaped areas adjacent
- protection should be given for small businesses
- similar previous developments have ruined businesses
- the Cyclopark promotes healthy living

Petition

Also a **petition** has been received containing 1784 signatures supporting the existing Tollgate Services Station and objecting to another BP station and a McDonalds.

There are no specific letters of support

Final Publicity Expiry Date: 20 December 2013

7. Planning Analysis

The key issues in the determination of this application are considered to be:

- Principle - whether the proposed use is appropriate for the site having regard to its location on the edge of the urban area
- The impact on the openness of the Green Belt and whether special circumstances exist to allow the redevelopment of the site having regard to its Green Belt location.
- The visual impact of the development and impact on any nearby residential properties
- Layout and Design Issues
- Highway Safety Issues
- Any Other Material Considerations

Principle of the Development

As a starting point in the determination of this planning application consideration needs to be given as to whether the uses as proposed, namely as a petrol filling station and a fast food type restaurant with a drive through facility are appropriate to this particular location.

The site itself is within a Green Belt area (and the Green Belt issues are discussed in the next section of this report) and the site is just beyond the edge of the urban area but importantly it sits alongside the new line of the A2 trunk road (adjacent to the east or coast bound slip) and has previously performed a function of providing road side facilities to the old line of the A2 when the site was on the south side of the A2 and accessed from the west (London) bound slip.

The site is not notated in the adopted Local Plan or emerging Local Plan Core Strategy for the uses as proposed. It was identified as a site that might be appropriate for a petrol filling station in the Gravesham Strategic Land Availability Assessment (October 2012).

The applicants have indicated that the development would accord with the Government advice in DfT Circular 02/13: The Strategic Road Network and the Delivery of Sustainable Development, September 2013 and that the development will meet the needs on this important route where there has been a loss of services in recent years.

The applicants indicate that the Circular indicates that the maximum drive time between 'signed' services on trunk roads is 30 minutes.

Appendix B to the circular however indicates that planning applications should not be determined on the basis of spacing criteria nor should competition (between rival services) be an issue but the determination should be on the specific planning merits. Paragraph B12 of the Circular advises that it is important to avoid adverse impacts on the operation of the strategic road network and paragraph B13 points out that the preference is for on line services (i.e. between junctions) rather than off the trunk road.

A number of the objections suggest that the site should be retained in hotel use and there is demand for additional hotel use locally. This is also suggested in the comments from the Council's Economic Development Officer.

Whilst the provision of hotel facilities on the site might well be a satisfactory alternative use of the site the development cannot be determined on the basis on what might be a preferable type of development if there is not necessarily a prospect of that development materialising. The site has been marketed for hotel type use but it would appear without any offers coming forward.

There is an extant planning permission for a hotel development in close proximity to the application site at the land adjacent to the Toby Carvery which remain to be implemented.

Whilst the suggestions in some of the objections to the development that the site should be used as an extension to the A2 activity park to be used for additional open space may have some appeal such a proposal would lack commercial reality.

A substantial number of the objections to the development relate to two particular issues namely the need for the development on the basis that there are already enough petrol filling stations in the locality or no needed for a McDonalds fast food restaurant (for a variety of reasons – enough fast food establishments locally, health eating, should be town centre located, corporate identity etc.) and that the development will impact on existing businesses.

It should be recognised that there used to be a petrol filling station (Turnpike Garage) until about 2006 on land opposite the Tollgate located on the south side of the old A2 but that site was encompassed into the realigned trunk road.

Competition between businesses or diversion of trade is not a material planning consideration. Similarly the question of need or whether there are too many already are also not material considerations to the determination of the planning application.

The NPPF indicates that there is a presumption in favour of sustainable development and highlights the Government's commitment to building a strong, competitive economy and that planning should not act as an impediment to sustainable growth.

In respect of retail development policy the size of the retail element of the development is below the threshold for the applicants to be required to undertake an impact assessment. The applicants have, however, considered the proposals in relation to sequentially preferable sites but argue that there would be no economic case for an additional town centre restaurant for McDonalds and there are no planned or allocated sites on the edge of or out of centre.

On balance it is considered that a use as proposed for roadside services can be supported but subject to the Green Belt tests and any other material considerations.

Green Belt

A principal consideration in determining this application is whether the proposal represents an appropriate form of development within the Green Belt and, if not, whether there exist any very special circumstances that may override Green Belt policy.

The site is shown in the adopted Local Plan First Review 1994 as being within the Green Belt as the Green Belt notation in relation to this site has been in existence since 1967. It should therefore be noted from the planning history section of this report that notwithstanding Green Belt policy it has been determined in more recent years that additional development has been permitted to extend the hotel facilities on this site.

The NPPF sets out the Government's approach to development in the Green Belt and states the forms of development that may be regarded as being appropriate subject to preserving openness and not compromising the purpose of including land within the Green Belt. Paragraph 89 indicates that exceptions include the replacement of a building providing the new building is in the same use and not materially larger than the one it replaces and also the redevelopment of previously developed sites (brownfield) whether redundant or in continuing use (excluding temporary buildings).

The applicants acknowledge that the development does not fall within the exceptions specified in the NPPF or adopted development plan policy and would therefore be inappropriate development.

The development would be replacing a number of existing buildings as opposed to a singular building and in any event the new buildings are not in the same use albeit that there are some similarities between the hotel use which would have had restaurant facilities and the proposed restaurant use. Conversely the site is a brownfield site or previously developed site and the test would then be whether the development would impact on openness of the Green Belt or the purpose of including land within it.

Paragraph 90 advises that certain other forms of development are also not inappropriate in Green Belt including local transport infrastructure but it is considered that the development would not fall into this category of development which is probably to allow such developments as road widening schemes or perhaps park and ride schemes within the Green Belt.

The scale of development on the site compared to the previous or extant use of the site as a hotel is of relevant consideration as to the impact of the proposal on the openness of the Green Belt. The actual gross internal floorspace of the development as proposed is given as being 975 sq. m whereas the existing floorspace is twice as much at 1950 sq. m. On that basis the applicants have a sound argument that that scale of development would not therefore impact on the openness of the Green Belt and although it is acknowledged that the development may involve some significant hard surfaced areas through car parking and circulation routes over and above what currently exist on the site, just on the footprint of the development on the site, the proposal would result in a reduction in built development in the Green Belt.

Moreover it should be noted that the scale of the hotel and the extent of the site were until a few years ago much greater but some built facilities (albeit in the Green Belt) were lost as a result of the A2 widening scheme. There have been some unimplemented schemes to extend the hotel that have not been taken up that would also have increased the scale of development even further.

The development does not extend beyond the current confines of the site into any open land.

Notwithstanding the above factors it is still considered that it is inherent on the applicants to show that very special circumstances also exist to justify the redevelopment of this site.

The applicants suggest that ordinary factors can combine to make very special circumstances to justify development in the Green Belt and that there is a need to balance the potential harm to the Green Belt.

The applicants consider that there are a number of factors that amount to special circumstances, summarised as,

The proposal is for the use of a previously developed site and redevelopment of land and buildings and would not have a greater impact on openness

- it is at a junction with the A2 with good access and was a site of a hotel with parking

- it would be a modern and much needed facility with benefits to users of the A2 and visitors to Gravesend
- there would be a reduced scale and footprint of development
- it does not enlarge the site or encroach
- it would be seen as part of the road

The redevelopment will improve the appearance of the site

- The development will provide an important facility at the entrance to the urban area
- The hotel buildings are not attractive
- It is a modern facility
- Existing buildings extend across a significant width of the site

Improvements to the Provision of Services

- the facilities meet an important need along the A2 and the local area and replace services that have been lost
- the site is in an ideal location for the uses proposed and other locations are not able to meet this need
- it is at a junction and this conforms to the Local Plan First Review

Provision of Sales Building and Restaurant

- provides top up shopping needs
- provides a range of services and reduces the need for other trips

Use of Developed Land

- current built up site
- it would prevent development of this nature taking place at more sensitive locations

Employment Creation

- construction and long term jobs

Environmental Improvements

- Latest construction methods
- environmentally sensitive development

Open Appearance Retained

- significant reduction in floorspace
- reduced height of development

Better Landscaping

- planted areas around the perimeter

On balance it is considered that the reduced impact of the development of the site compared to the current scale of development, the reduction in development that has taken place at this location due to the A2 widening scheme and the other special circumstances that have been indicated by the applicants are such that the tests in considering inappropriate development in the Green Belt have been addressed and outweigh the potential policy concerns of the intensity of the development and the material change of use subject to other material considerations.

Visual Impact and Local Impact

A key concern identified by a number of the objectors is that the development will be visually unattractive on this site which is considered to be a gateway into the urban area. There are also concerns about the height of the development.

It should be noted that the existing buildings on the site are principally all two storey whereas it is only the McDonalds restaurant building that is of two storey height. Moreover the proposals involve the significant lowering of the site to reduce the levels across the site. On the eastern side of the site the proposal will lower the site by as much as 4m.

The scale of development would integrate reasonably well into the site's surroundings.

It is not considered that the development would have any material impact on residential amenity as the nearest residential dwellings are some 60m from the boundary of the site.

It is acknowledged that there are some likely impacts in terms of noise, lighting, signage, litter, smells etc. that would be synonymous with this type of development but these are not crucial to the determination of the application.

Layout and Design

The design of the buildings both for the petrol filling station shop and the restaurant building are unashamedly of a contemporary design and with the use of modern sustainable materials.

There is nothing inherently wrong with this design approach and there are recent examples of contemporary designs being supported within the locality including the Toby Carvery in Coldharbour Road, the Cyclopark centre building or the Infrastructure Maintenance Depot buildings at Ifield adjacent to the A2.

The current Tollgate service station is also a modern flat roofed building lacking any architectural merit.

A number of the objectors have suggested that the current building have some architectural or historic interest and that they ought to be retained and even listed. However your officer's view is that although the mock Tudor buildings have some interest they are not of listable quality and would not be uneconomic to either retain or convert and are now very much in isolation in their setting.

Highway Impacts

A further consideration is the highway impacts that the development will have due to the generation of and potential volume of traffic entering and exiting the application site on what is a busy and important junction of the A2 with the A227 Wrotham Road providing access to the Gravesend town centre and the rural villages to the south of the urban area.

It is a concern in many of the representations received that the development will result in an increase in traffic congestion and road safety hazards, that there is already the slip roads are congestion at peak times on the slip roads coming off

the A2, that the access arrangements are poor and that the increased traffic on the roundabouts will be hazardous for cyclists.

However the development proposals are supported by and underpinned by a full transport assessment from the applicant's highway consultants. The transport statement indicates that the existing use of the site as a hotel (and which could be reintroduced at any time) would have generated a significant number of trips with up to 72 two way trips in the PM peak hour.

The transport assessment in respect of traffic generated by the petrol service station indicates that the station is a relocated and upgrade service station (i.e. it assumes that the proposal would replace the current Tollgate service station, and therefore they have applied a 50% increase in traffic generation based on the increased number of petrol pumps (with the caveat that an additional 6 pumps would not necessarily mean a pro-rata increase in the number of vehicles)

Officers queried with the applicants as to their reasons for this assumption, and the applicants have responded as follows:

The Transport Assessment has taken a very robust approach to the impacts of the proposed BP site at Tollgate. Whilst it is correct that there is no guarantee that the existing PFS on Wrotham Road (old A2 slip road) would close, it is clear that a new PFS closer to the A2 and with an adjacent restaurant would be a more attractive stopping location for vehicles currently on the A2.

The TA has assumed (as a worst case) that all traffic using the eastern arm of the Wrotham Road / Coldharbour Road roundabout (i.e. the old A2 slip road) is associated with the existing PFS. Clearly, given the residential properties that are adjacent to the old A2 slip road, and the traffic associated with the Cyclopark, we have over-estimated the amount of traffic going to the current PFS.

We have then used this over-estimate of traffic and pro-rata increased it based upon pump numbers of the new development scheme. Again, this adds an element of robustness to the analysis we have undertaken, as we have therefore included traffic associated with the housing development and Cyclopark within this pro-rata increase.

I do not think, therefore, that we need to reanalyse our assessments, given that if the existing PFS is to remain open then it will be in direct competition with the proposed development this would mean that the proposed PFS would be expected to trade at a lower level (and therefore have fewer vehicle trips) than analysed i.e. there are only a limited number of vehicles on the immediate network that wish to stop for fuel, and they would be split between the two facilities – I would expect trip rates for both PFS facilities to therefore be lower than current operation levels of the existing site, again noting that we have included all traffic on the old A2 slip lane as PFS traffic.

Finally, even if the existing PFS was to close, it is highly unlikely that a land use would be found to have more vehicle trips on the site than the existing PFS facility. The site is limited in size, and therefore the floorspace is unlikely to generate a significant amount of traffic. The site is also bound by residential developments to the west and north, so I would assume that any future land use would be most likely to be residential in nature. Residential properties are relatively low traffic generators, particularly in comparison to an existing PFS facility.

I therefore believe that the analysis undertaken within the TA is highly robust, and that no revised assessments are necessary in this instance.

Based on the conventional database the transport assessment predicts that there would be an increase in the number of trips associated with the service station of 116 two way trips in the AM peak and 128 two way trips in the PM peak.

For the fast food restaurant it is predicted that there would be 90 two way trips in the AM peak and 145 two way trips in the PM peak.

The assessment correctly indicates that some of the trips may not all be new to the local road network and some could be linked trips.

The assessment concludes that the junction capacity is operating at a substantial level of capacity which will be exacerbated by growth and therefore mitigation measures on the Wrotham Road (N) approach arm to the site access are necessary to provide additional capacity, sufficient enough to accommodate the proposed development, traffic growth and existing flows.

It should be noted that the Highways Agency does not raise an objection to the development subject to road improvement schemes being implemented and similarly Kent Highways do not raise an objection subject to the resolution of some issues through planning conditions although Kent Highways has suggested that consideration could be given to the co-ordination of highway improvements in relation to the implementation other local development schemes rather than being carried out in isolation.

Other Material Considerations

There are still some consultation responses that have not been received notably from the Environment Agency

8. Conclusion

Taking all these issues into account and notwithstanding the very high volume of objection to the development it is considered that on balance there are no overriding reasons on planning policy, highway, design or other planning considerations to reject the current proposal. Therefore it is recommended that planning permission to be granted, although there are still some discussions taking place with the applicants and some additional information is awaited regarding floorspace of the restaurant, extract equipment for the restaurant, lorry parking facilities, and employment.

RECOMMENDATION

Subject to remaining consultation responses and the receipt of additional information from the applicants, **PERMISSION** subject to planning conditions to be set out in a supplementary report.